MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2021/2022

UCR2612 – CRIMINAL LAW I

(All Sections / Groups)

27th NOVEMBER 2021
Reading Time : 9:00 a.m. – 9:15 a.m.
(15 Minutes)
Answering Time: 9:15a.m. – 12:15p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions in TWO Parts.

3. Attempt **FOUR** out of FIVE questions. You are required to answer **ALL** questions in **PART A** whereas in **PART B** you are required to choose **ONE** question ONLY. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN and ORIGINAL COPY of Penal Code (Act 574) into the exam venue. "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A (ALL QUESTIONS ARE COMPULSORY TO BE ANSWERED)

QUESTION 1

a) Discuss the legal implication of *Fagan v Metropolitan Police Commissioner* [1969] 1QB 439.

(12.5 marks)

b) Cassidy was taking part in dart competition. When he threw a dart, it accidently penetrated into a bystander's heart. He saw what had happened but he decided to continue with the competition because he wanted to win the prize money. The fact that the tip of the dart was rusty and the victim did not receive medical assistance immediately, caused the victim to die a few hours later. Cassidy is now being charged under s 304A, but is alleging that he should not be held liable because he did not carry out any wrongful act.

Discuss only his *actus reus* by referring to the principle established in *R v Miller* [1983] 1 All ER 978.

(12.5 marks)

(**Total 25 marks**)

QUESTION 2

a) Gideon and Gabby were happily married. One day, Gideon invited Gabby for a movie and after the movie they got into a taxi to return home. A taxi stopped and the driver agreed to take them home. However, after a while the driver was annoyed at their constant laughing. He stopped driving, came to the back, opened the passenger door and stabbed Gabby with a knife which he took from his pocket. He then pushed them out of the taxi and left the scene. Gideon was shocked to see his wife becoming unconscious, he immediately called the ambulance. The paramedics arrived without delay but Gabby was dropped by one of the paramedics when he lifted her into the ambulance. At the hospital she was treated by a young doctor who administered wrong medication. A day later, Gabby died. The taxi driver was arrested and charged with murder under section 302 of the Penal Code. He claims that he should not be liable since she died after being treated by a doctor who provided wrong medication.

Illustrate the taxi driver's criminal liability by referring to the principle established in *R v Smith* [1959] 2 QB 35.

(20 marks)

b) By referring to relevant authorities. explain the concept of transferred malice.

(5 marks)

(**Total 25 marks**)

Continued …….

QUESTION 3

Roy, a 6 years old boy had died due to a fractured skull. Danny, Roy's father was arrested by the police for causing Roy's death. According to witnesses, Danny was carrying Roy on his back while climbing an artificial rock walls as he wanted to instill courage to Roy to try the rock climbing sport. Unfortunately, Danny lose his grip and both of them fell to the ground causing severe head injury to Roy. Although Danny was an athlete for rock climbing sport in his college day, he had since quitted from the sport as he suffered a neurological disorder. His wife Anna also prohibited Danny from taking Roy with him as she afraid Danny's illness may endanger Roy's life. Danny regretted what had happened and he claimed that it was purely an accident as he had fastened the safety gears to Roy but he suddenly lost his sensation which caused him to fall.

Discuss whether Danny could be liable for an offence under section 304A of the Penal Code and whether he could rely on the defence of accident.

(**Total 25 marks**)

PART B (CHOOSE ONE OUT OF THE TWO QUESTIONS)

QUESTION 4

Minah was an illegal immigrant who worked as a shop assistant at Ah Hong's grocery store for more than three months. According to Bibah, Minah's former colleague, when Minah first started working, she was in a normal condition, without any obvious disabilities or injuries. However, recently, after being contacted by Minah, Bibah had found Minah at Ah Hong's grocery store in a very weak condition having suffered serious injuries all over her body among others bruises on her face and all over her body, ulcers in the right knee, and paralysis from the waist down. She also had been left for two days without food and drink. Bibah had called the ambulance and Minah was taken to hospital, unfortunately she died three days later, despite treatment given to her.

Ah Hong was later arrested by the police. According to Ah Hong, when Minah first worked with him, she had already suffered from an ulcer in her right knee while the scratches and bruises all over her body had been caused by her former employer. In fact, Minah has stayed in her grocery store because she wanted to hide as she ran away from her former employer. Ah Hong also claimed that the other injuries suffered by Minah were probably due to Minah's condition which was often sick due to old injuries and he denied injuring Minah. However, police investigation revealed that the injuries were done by Ah Hong who had frequently hit Minah with sticks and iron rods besides punching and kicking Minah. Ah Hong also left Minah in her grocery store starving for two days. Pathologist had also confirmed that the cause of death was due to "spinal injury due to blunt force trauma".

Continued …….

Based on the above facts:

1) Assess whether Ah Hong can be convicted of his offence under section 302 of the Penal Code.

(15 marks)

2) If Minah does not die in this case, show whether Ah Hong could be convicted of any offence if it is found that the injuries suffered by Minah are the result of Ah Hong's actions.

(10 marks)

(Total 25 marks)

QUESTION 5

Alang was a 16 years old teenager and has dropped out of school. He harbored a grudge against Ahmad, 15 years old, who had reported all his misdeeds to the school until he was expelled from school. One day, while riding a motorcycle around his housing estate, Alang saw Ahmad and stopped him. Alang told Ahmad that he was dissatisfied because Ahmad's actions caused him to be scolded by his parents. Ahmad teased Alang and challenges him into a fight. Ahmad says Alang was as weak as his little sister and has no guts to harm him. Alang became very angry and immediately hit Ahmad with his motorcycle. Ahmad was thrown to the side of the road and suffered a broken rib. Due to complications from his injuries, Ahmad died at the hospital two days later.

The police have arrested Alang and he was charged for Ahmad's death. Alang denied his liability because he did not directly assaulted Ahmad, instead Ahmad had suffered the injury due to his own action jumping to the side of the road to avoid being hit by him. Alang also claimed that Ahmad's actions had caused him to lose self-control.

Assess Alang's liability in this situation.

(Total 25 marks)

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